



UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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MAR 25 2003

In re Application of
Poulin et al
Serial No.: 09/529,319
Filed: April 11, 2000
Attorney Docket No.: ILEX:040/019

#17

This is in response to "Petition under MPEP Section 711.03© to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" filed February 11, 2003 via facsimile.

Applicant request that the Abandonment of the application mentioned by the examiner in a telephone conversation dated February 6, 2003 be withdrawn under MPEP 711.03(c).

The file history has been reviewed. On July 30, 2002, a Final office action was mailed to Fulbright & Jaworski, Suite 2400, 600 Congress Ave., Austin, TX 78701, setting a Three months shortened statutory period for reply. On October 22, 2002, "Revocation of Previous Powers of Attorney and Appointment of New Attorney" and "Attorney Change of Address" were filed. On October 25, "Notice Recording Change of Power of Attorney" was mailed. The Final action was properly mailed to the correct address of record.

Applicant alleged that on February 10, 2003, applicant had a telephone conversation with Mr. Steven Highlander from the firm Fulbright & Jaworski and that Mr. Highlander confirmed that no Office action was received by them on or after June 2002. However, there is no evidence provided. No copy of the docket record from the firm Fulbright & Jaworski where the nonreceived Office communication would have been entered had it been received and docketed is provided. See MPEP 711.03© II. Accordingly, the petition is dismissed. The application is abandoned.

Petition Dismissed.

Should there be any questions regarding this communication, please contact Cecilia Tsang by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

Cecilia Tsang for
Bruce Kisliuk

Director, Technology Center 1600